

Remarks/Arguments

This paper is a response to a final office action, issued on 09/30/2003, paper no. 15. A response is due on or before 12/30/2003. This response is filed on October 28, 2003. Accordingly this response is timely filed. Entry is respectfully requested.

Applicants believe that entry of the amendments is proper at this stage in prosecution (after final) because the amendments do not require further consideration and/or search, and they put the case in condition for allowance.

Claim Status

Claims 1-20 are pending.

Claims 1 and 13 have been amended to correct an obvious typographical error. Support for this amendment is found in claims 1 and 13 as originally filed.

Claims 15 and 16 have been amended to recite "process" instead of "reaction". Support for this amendment is found in the claim as originally filed.

No new matter is added by these amendments, and entry is respectfully requested.

Filed herewith is a substitute declaration which reflects the amendment file August 15, 2003. Entry into the record is respectfully requested.

Claim Rejections

35 U.S.C. 112, second paragraph

Claims 15 and 16 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite because "the reaction" lacks proper antecedent basis. Applicants have amended claims 15 and 16 to recite "the process" instead of "reaction". Applicants do not believe that his amendment necessitates further consideration and/or search, and thus

entry is respectfully requested. Having overcome this rejection, withdrawal is respectfully requested.

Obvious Double Patenting

Claims 1-20 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,440,213. In response, Applicant's file herewith an executed terminal disclaimer in accordance 37 C.F.R. 1.321(c). The terminal disclaimer is signed by a representative of the assignee of the entire right and interest of the instant application. Enclosed is a copy of a statement under 37 C.F.R. §3.73(b) establishing the right of assignee to take action. Also enclosed are copies of the assignments. Thus, it is believed the rejection is overcome, and it is respectfully requested that the rejection be withdrawn.

Substitute Declaration

Applicants file herewith a substitute declaration. Inventorship has not changed. Entry into the record is respectfully requested.

Conclusion

Having responded to all the outstanding issues, it is respectfully requested that a notice of allowance be issued.

No fees are believed due. If Applicant is incorrect in this belief, the PTO is authorized to charge any required fee to deposit account 120690, in the name of Lawrence Berkeley National Laboratory.

Respectfully Submitted,



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